

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Michael Martens,

Court File No.: _____

Plaintiff,

vs.

**NOTICE OF REMOVAL TO
FEDERAL COURT**

My Guy, Inc., a Minnesota
Corporation,

Defendant.

**TO: PLAINTIFF MICHAEL MARTENS, BY AND THROUGH HIS COUNSEL
OF RECORD, CHRISTOPHER SANDQUIST, SANDQUIST LAW OFFICE,
403 S. BROAD STREET, SUITE 50, MANKATO, MN 56001.**

Defendant My Guy, Inc. ("Defendant"), by its attorneys, hereby notices the removal of this action from the District Court of the Fifth Judicial District Court for the County of Martin, State of Minnesota, to the United States District Court for the District of Minnesota, pursuant to 28 U.S.C. § 1446(a), and states as follows:

1. On or about February 6, 2017, Defendant was served with a Complaint in the above-captioned matter. A true and correct copy of the Complaint, which constitutes all process, pleadings, and orders served upon Defendant, is attached hereto as Exhibit A.

2. No other proceedings have been held in the Minnesota state court, and the Complaint constitutes all processes and pleadings served upon Defendant in this Action.

3. This Notice of Removal is filed within thirty (30) days of the date on which Defendant received the Complaint and, therefore, is timely filed pursuant to 28 U.S.C. § 1446(b).

4. Plaintiff asserts claims arising under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, and Minn. Stat. chs. 177 and 181.

5. Thus, this Action arises under the “laws . . . of the United States” over which this District Court has original jurisdiction. 28 U.S.C. § 1331. Accordingly, this Action is removable to this Court under 28 U.S.C. § 1441.

6. To extent that Plaintiff asserts claims under Minnesota law, this Court has supplemental jurisdiction over Plaintiff’s claims because such claims are so related to Plaintiff’s federal claims that they are part of the same case or controversy under Article III of the U.S. Constitution. 28 U.S.C. § 1367.

7. The United States District Court for the District of Minnesota is a proper venue for removal because it is the federal judicial district in which the Complaint alleges that a substantial part of the alleged events and/or conduct giving rise to the claim occurred. Additionally, the court where the state court action was brought and is pending is located within the United States District Court for the District of Minnesota, and therefore is the proper district court to which this Action should be removed.

8. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed with this Court because thirty days have not expired since Defendant received the Complaint. Upon information and belief, no other defendant in this Action has been served with the Complaint.

9. Pursuant to 28 U.S.C. § 1446(d), Defendant is simultaneously filing copies of all process, pleadings, and orders existing on file in the State court in this removed Action. Further, pursuant to 28 U.S.C. § 1446(d), Defendant will properly give written

notice of this filing to Plaintiff and file a true and correct copy of this Notice of Filing Notice of Removal (“Notice of Filing”) with the Clerk of the District Court of the Fifth Judicial District Court for the County of Martin, State of Minnesota. A copy of such Notice of Filing is attached hereto as Exhibit B.

Dated: February 27, 2017

FELHABER LARSON

By: /s/ Grant T. Collins
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